

STATE AGRICULTURE DEVELOPMENT COMMITTEE

Farmland Preservation Program

General Directions for Completing an Application For Sale of a Development Easement

(Pinelands Direct Easement Purchase)

General Information

Please follow the directions carefully when completing the Application For Sale Of A Development Easement to The State Agriculture Development Committee. The questions being asked will assist the SADC in ranking each Premises in order of importance for funding. Points will be allocated based on responses to the questions. These responses need to be properly supported by enclosures with the application. All authorized applicants must sign the application. For a corporation, a copy of the Corporate Resolution must be attached identifying the individual authorized to submit an application to enter into a contract to sell a development easement on the Premises.

Check List of Enclosed Items

This section is a checklist of the minimum items that will have to be enclosed in your packet to be considered by the SADC. Any items missing may cause delays in reviewing and subsequent missing of the funding round. If you have any questions concerning these items, please contact the SADC coordinator for your county.

Preliminary Information

Date – Date the application was completed by the landowner.

County – County in which the farm is primarily located within.

Municipality – The primary municipality in which the Premises is located. If the Premises is located in two or more municipalities, identify which is the primary municipality by the majority of acreage within the municipalities, or the municipality in which the primary residence is located.

Farm – The common referenced farm name associated with the Premises. This can be the business name, the farm's historical name or the owner.

Address and/or description of the farm location – A description of where to physically find the Premises for site inspection.

USGS Grid Map # - The name or number of the USGS Grid map the Premises is located on.

8 Year program participation – Indicate if the farm is enrolled in an eight year program.

Applicant Information

The application allows for two parties to be identified with the Premises. If more than two parties are involved, copy the page as necessary to accommodate all of the involved parties. Number the pages accordingly in the upper right corner identifying the total number of Applicant Information pages enclosed. Always identify the primary contact as the first party entered. All parties that have interest in the Premises / Development Easement, must be listed as an applicant, this includes contract purchasers.

Name – First, middle and last name of the party when an individual, or the complete name of a business entity.

Address – Mailing address of the party.

City – Mailing city of the party.

State – Mailing state of the party

Zip Code – Zip code.

Phone(bus.) – Phone number where individual can be contacted between the hours of 9 a.m. to 5 p.m.

Phone(home) – Phone number where individual can be contacted at other times. (optional)

Fax – Fax number if available.

Type of Participation – Mark the most appropriate involvement to identify the parties involved with the Premises. The primary contact must be the first party entered.

Block Lot & Acreage

The application allows for one lot and one exception to be identified per page. If more than one lot and/or exception is involved, copy the page as necessary. Number the pages accordingly in the upper right corner identifying the total number of Block Lot & Acreage pages enclosed. Always identify the exception(s) within the block and lot where it is located.

County/Municipal Code – Identify the municipality each lot is located in by providing the four digit numeric code from the municipality lists.

Block – Block number.

Lot – Lot number and qualifier.

Acres – Exact size of lot in acres.

NJ State Development and Redevelopment Code – Mark the appropriate State Development and Redevelopment designation for the lot from the NJ State Development and Redevelopment Plan map.

Pinelands Development Credits

1. Identify the Management Area the Premises is located in.
2. A letter of Interpretation from the Pinelands Commission must be obtained by the owner. A copy of the letter must be attached.
3. Identify if the owner is retaining any pinelands development credits or rights. If any are retained, identify the number and block and lot where the rights or credits are located.

Exceptions

The exceptions are areas the owner does not wish to have encumbered by the Farmland Preservation Deed Restrictions.

- 1. Acreage of exception** – Exact size of exception in acres.

Scoring Note - If the sum of the exception(s) is greater than 10% of the total acreage of the Premises, one point will be subtracted from the ranking score.

- 2. Local Zoning Regulation** – Description of municipal zoning regulation on that lot.

- 3. Applicant's Reason for Exception** – Description of the reason the landowner wishes to have this area excepted from the easement restriction.

- 4. General Location of Exception** – A descriptive statement of the location of the exception on the lot. Remember to identify the location of the exception on the tax map being submitted to the SADC.

- 5. Is the exception for county and/or municipal farmland preservation and/or open space programs** – Is the expected area permanently restricted from non-agricultural development. If the response to this question is YES, skip questions 7 through 11 and continue with next section.

- 6. Can the exception be severed from the Premises** – Can the excepted area be sold separately from the rest of the Premises.

Scoring Note – If the exception is not for open space or farmland preservation, and the exception is severable, two points will be subtracted from the ranking score.

- 7. Does the size of the individual exception exceed local zoning requirements to construct one single family residential dwelling** – Does local zoning allow more than one single family home to be built on the excepted area. If the response to this question is NO, skip to question 9.

- 7a. How many building lots or portions thereof are there in excess of the local zoning requirements for one single family residential dwelling** – How many single family homes can be built on the excepted area with regard to local zoning. Enter the whole number.

- 7b. Is the landowner willing to restrict the exception to only one residential unit** – Is the landowner willing to include language in the Deed of Easement to restrict the excepted area to one residential unit.

Scoring Note – If the answer to this question is NO, the number in 8a will be subtracted from the ranking score.

- 8. Will "Right to Farm" Language be required on the deed of the exception** – Will "Right to Farm" language be included in the Deed of Easement for the excepted area restricting the owner or future owners from taking legal action against adjacent farming activities.

Scoring Note – If the answer is YES, one point will be added to the ranking score, only if points were subtracted in this section.

- 9. Does the exception have a significant negative impact** – Does the exception bode adversely for Farmland Preservation?

EXPLAIN – If the answer is YES, describe the negative impact.

Scoring Note – Depending on the impact, the SADC may subtract up to ten points from the ranking score.

Residences and Other Structures

The application comes with one page allowing for three structures to be identified with the Premises. If there is more than one structure on the Premises, identify each existing structure separately. If more than three structures are involved, copy the page as many times as necessary to accommodate all of the structures. Number the pages accordingly in the upper right corner identifying the total number of Structure pages enclosed

Are there any existing structures on the Premises? – Circle the appropriate answer.

Structure – Mark the type of structure from the list. If it fits into none of the categories, mark OTHER and write in the structure type on the line.

Is the structure for agricultural labor housing – Is the structure used to house agricultural labor need for the farming operation on the Premises?

Is the structure under a lease or rental agreement – Is the structure being rented or leased to another party.

Easements and Right of Ways

The application comes with one page allowing for three easements to be identified with the Premises. If more than three easements are involved, copy the page as many times as necessary to accommodate all of the easements. Number the pages accordingly in the upper right corner identifying the total number of Easement pages enclosed. If there are no easements, you may omit this page from the application. Identify each easement separately.

Are there Easements / Rights of Way identified with the Premises? – Circle the appropriate answer.

Easement – Mark the type of easement from the list. If the appropriate category is not identified, mark OTHER and write in the easement type on the line.

Effect of easement – The effect this easement has on the farming operation.

Viability from easement – How likely this easement will affect the viability of the farm.

Description of easement – The description of the location of the easement.

Existing Nonagricultural Uses

The application comes with one page allowing for one nonagricultural use to be identified with the premises. If more than one nonagricultural use exist, identify each use separately by copying the page as many times as necessary to accommodate all of the uses. Number the pages accordingly in the upper right corner identifying the total number of pages enclosed. Be as descriptive as possible in the following questions. Failure could result in action to terminate nonagricultural uses not compliant with deed restrictions.

Are there Nonagricultural Uses on the Premises? – Circle the appropriate answer.

List the type and extent of any existing nonagricultural uses existing on the premises at the time the applicant submitted to the Board.

Note the size and extent of use and any structures utilized as a nonagricultural use.

In the event the nonagricultural use involves a lease with another party, identify the individual or entity leasing the structure and type of business or operation.

If nonagricultural events are held on the premises, identify for what purpose and the frequency of the activity.

NOTE: Appraisers must be aware of nonagricultural uses and determine their impact on the development easement value in their reports, pursuant to the SADC Appraiser's Hand Book. If you have any questions regarding potential nonagricultural use, please address them to the SADC prior to submission of the application.

General Application Information

Agricultural Development Area – This is the county's classification.

Watershed (first order) – This is the NJDEP 1997 classification for water runoff.

Watershed (second order) – This is the NJDEP 1997 classification for water runoff.

Standard Industrial Code (SIC) – This is the current federal code of the production capacity of the farm.

Total Acres of Premises – Best estimate of the acreage contained within the boundaries of the entire premises.

Scoring Note – A maximum of ten points can be added to the ranking score as a result of the size of the farm, as it relates to the average size of a farm in the county. The formula for determining point value is:

$$10 \times \text{farm size in acres}$$

$$2 \times \text{average farm size in county}$$

Total Acres of Exception – Best estimate of the acres that will not be restricted to farm use in the deed.

Number of RDSOs eligible – The number of allowed RDSOs the SADC would allow for the size of the Premises.

Number of RDSOs approved by the CADB – The number of RDSOs the county is allowing to be requested in the deed restriction.

Subdivision Request

Subdivision for nonagricultural development of the premises must be identified. Exceptions for owner housing is not considered to be subdivision. A copy of all the resolutions are required for consideration.

Type of development being considered for subdivision – Circle the appropriate answer.

Preliminary approval date – Date municipality gave preliminary approval.

Final approval date – Date municipality gave final approval.

Scoring Note – If a date is given, two points will be added to the ranking score. Response must be supported with documented proof.

Scale of subdivision – Circle appropriate answer.

Drought Consideration

Special consideration is being given to farms that suffered economic losses due to recent drought conditions. A copy of the drought loss claim is required for consideration.

Is the farmer established – Established is defined as a tenant-operator or owner-operator of a family farm who was actively participating in the operation and management of a farming operation at the time of the disaster (1999 summer drought growing season), spends a substantial portion of time in carrying out the farming operation, and had planted a crop or had purchased livestock which were on the farm at the time of the disaster (1999 summer drought growing season).

Is the farm owner managed – Does the owner (if a sole proprietor) partner or joint owner (if owned jointly) of the farm actively manage the productive aspects of the farm directly.

Has the damage exceeded the minimum percentage of crop loss – Has damage, as a result of the 1999 summer drought conditions, to productive crops in excess of 50 percent of the average yield of commodities that comprise at least 35 percent of the farm's total yield based on market value or that comprise at least 35 percent of the farm's total acreage devoted to the commodities suffering such crop loss.

Enter any other pertinent information – Describe in detail any other aspects that would assist in determining the impact that past drought conditions have had on productivity.

Local Commitment

The application comes with two pages allowing for one local commitment to be identified for the Premises. If the Premises extends through more than one municipality or municipal zoning district, copy the pages as many times as necessary to accommodate all of the differing areas. Number the pages accordingly in the upper right corner identifying the total number of pages. Identify each area separately.

Scoring Note – If there is more than one local commitment, points will be multiplied by the fraction of the premises area that is under that local area. It is possible to accumulate a total of 25 points, however, only a maximum of 20 points will be added to the ranking score for this section.

1. Municipal Code – Four digit municipal code of area location.

2. Does local zoning require an average minimum lot of at least three acres with clustering and/or mandatory buffering to provide separation

between development and existing agricultural operations – Does the zoning support large lots that are grouped together.

3. Are transfer of development rights/credits available - Does the municipality have an adopted transfer of development rights/credits ordinance, or do other State or Federal agency regulations (i.e. Pinelands Commission) make rights/credits available for transfer in the municipality.

4. Is the Sliding Scale used – Is zoning in place, which limits non farm uses, and mandates large farm-sized lots in an effort to preserve and maintain farm operations.

5. Low density zoning – Is the zoning for very low density.

6. Are there other equivalent measures – Circle the appropriate answer.

List – Please list each of them separately.

Scoring Note – If the answer is YES for any one of questions 2 through 6, five points will be added to the ranking score.

7. Is there sewer or other growth leading infrastructures serving the premise or within hook-up distance – Is infrastructure available to the site which would promote nonagricultural development of the land. (i.e. sewer, water)

Scoring Note – If the answer is NO, three points will be added to the ranking score.

8. Is the purchase of development easements consistent with state county and local plans – Circle the appropriate answer.

Scoring Note – If the answer is YES, two points will be added to the ranking score.

9. Is there an active municipal liaison with the CADB – Circle the appropriate answer.

Scoring Note – If the answer is YES, one point will be added to the ranking score.

10. Do planning board actions regarding nonagricultural development support farmland preservation – Circle the appropriate answer.

Scoring Note – If the answer is YES, one point will be added to the ranking score.

11. Do municipal governing body actions regarding nonagricultural development support farmland preservation – Circle the appropriate answer.

Scoring Note – If the answer is YES, one point will be added to the ranking score.

12. Has the municipality previously approved applications for an 8 Year program – Circle the appropriate answer.

Scoring Note – If the answer is YES, one point will be added to the ranking score.

13. Have development easements already been purchased in the municipality – Circle the appropriate answer.

Scoring Note – If the answer is YES, one point will be added to the ranking score.

14. Does the Municipality have a “Right To Farm” ordinance – Circle the appropriate answer.

Scoring Note – If the answer is YES, four points will be added to the ranking score.

15. Does the Municipality have a “Right To Farm” ordinance that requires notification during sales – Circle the appropriate answer.

Scoring Note – If the answer is YES, one point will be added to the ranking score.

Municipality’s Committed Funds since 1980

Enter the amount of committed funds for each category, Enter the category when using other. Add funds for total amount.

Scoring Note – The Total amount will be divided by the State Equalized value over 1000. The result will be indexed on the following values for points to be added to the ranking score.

- 5 points for a value greater than 10
- 4 points for a value greater than 7 but not more than 10
- 3 points for a value greater than 5 but not more than 7
- 2 points for a value greater than 2 but not more than 5
- 1 point for a value greater than 0 but not more than 2

Soils

Identify the percentage of the Premises, which consists of each of the following types of soils. The sum of the percentages should total to 100%. List the type of unique soil you are trying to collect. Enclose a USDA, Natural Resource Conservation Service, soil map with soils identified.

Score Note – Points are added to the ranking score by factors of the individual percentages.

Prime	= .15
Statewide	= .10
Local	= .05
Unique	= .125
Other	= .00

Tillable Acres

Identify the percentage of the Premises, which consists of each of the following types of tillable acres. The sum of the percentages should total to 100%. Enclose a copy of the Farmland Assessment section on breakdown of land use classes.

Score Note - Points are added to the ranking score by factors of the individual percentages.

Cropland Harvested	= .15
Cropland Pastured	= .15
Permanent Pasture	= .02
Woodlands	= .00

Wetlands	= .00
Other	= .00

Boundaries and Buffers

Identify the percentage of the bordering Premises, which consist of each of the following classifications. The sum of the percentages should total to 100%.

Enclose a 7.5 minute USGS topographical quad map with the adjacent land uses identified and labeled.

Score Note – Points are added to the ranking score by factors of the individual percentages.

Deed Restricted Farmland (permanent)	= .20
Deed Restricted Wildlife Areas	= .18
Streams (perennial) and Wetlands	= .18
Cemeteries	= .16
Parks (limited public access)	= .14
Military Installations	= .14
Golf Course (public)	= .14
8 year programs and EP applications	= .13
Highway (limited access) Railroads	= .10
Farmland (unrestricted)	= .06
Woodlands	= .06
Parks (high use)	= .05
Residential Development	= .00
Commercial	= .00
Industrial	= .00
Schools	= .00
Other	= .00

Density or Contiguous Properties

List, by name, lands that are reasonably contiguous (within ½ mile linear distance) to the subject application which are comprised of: development easement purchase applications approved by the CADB and received by the SADC during the current round, lands where development easements have already been purchased, and other permanently deed restricted farmlands along with applications with final approval. Include subject application if not an isolated parcel.

Scoring Note – Two points will be added to the ranking score for each farm listed.

List, by name, lands that are reasonably contiguous (within ½ mile linear distance) to the subject application and enrolled in an 8 Year Farmland Preservation Program.

Scoring Note – One point will be added to the ranking score for each farm listed

Scoring Note – A maximum of ten points will be given under the category of Density and Contiguous Properties..

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